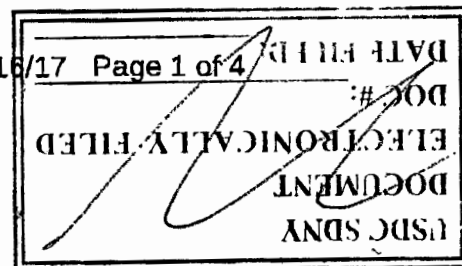


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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LAW OFFICES OF SHIMSHON WEXLER,  
P.C., a New York professional company,  
individually and as the representative of a  
class of similarly-situated persons,

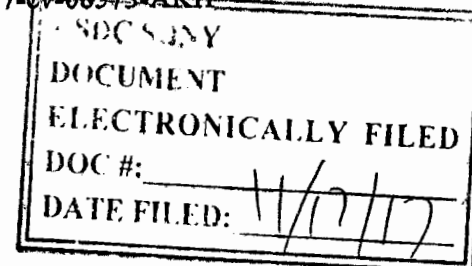
Plaintiff,

v.

AICOM SOLUTIONS LLC d/b/a AICOM  
CORPORATION; TIME WARNER CABLE  
LLC d/b/a SPECTRUM; TIME WARNER  
CABLE MEDIA LLC; CHARTER  
COMMUNICATIONS INC.; CHARTER  
COMMUNICATIONS OPERATING LLC;  
and JOHN DOES 1-10,

Defendants.  
-----X

Case No. 1:17-cv-08573-AKH



**CHARTER DEFENDANTS'  
UNOPPOSED MOTION TO SET  
DEADLINE FOR CHARTER  
DEFENDANTS TO ANSWER, MOVE,  
OR OTHERWISE RESPOND TO  
PLAINTIFF'S COMPLAINT**

COME NOW Defendants Time Warner Cable LLC, Time Warner Cable Media LLC, Charter Communications, Inc., and Charter Communications Operating, LLC (collectively, the "Charter Defendants"),<sup>1</sup> and move the Court pursuant to Rule 1.D of the Court's individual rules of practice to set the time by which the Charter Defendants are required to answer, move, or otherwise respond to Plaintiff's Amended Class Action Complaint for Friday, December 8, 2017. In support of this Motion, the Charter Defendants state as follows:

1. Plaintiff filed its Amended Class Action Complaint ("Amended Complaint") in the Northern District of Georgia on June 6, 2017. (ECF 44.) Accordingly, under Federal Rule of Civil Procedure 12, the Charter Defendants' responsive pleading would have been due June 27, 2017.

<sup>1</sup> Time Warner Cable LLC has not yet been served in this matter, but joins this Motion out of an abundance of caution. In making this Motion, the Charter Defendants do not waive but rather reserve all available defenses, including sufficiency of service of process.

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2. However, on June 20, 2017, the Charter Defendants filed a motion to dismiss Plaintiff's Amended Complaint under Federal Rule of Civil Procedure 12(b)(2) on the basis that the Northern District of Georgia lacked personal jurisdiction over the Charter Defendants ("Motion to Dismiss"). (ECF 46.) As a result, the Charter Defendants' deadline to file a responsive pleading to Plaintiff's Amended Complaint was tolled. *See* Fed. R. Civ. P. 12(a)(4).

3. On October 30, 2017, the Northern District of Georgia granted the Charter Defendants' Motion to Dismiss, and transferred this case to the Southern District of New York. (ECF 51.)

4. On November 6, 2017, the case was transferred to this Court from the Northern District of Georgia, and the original file certified copy of transfer order and docket entries were received in this Court. (ECF 52.)

5. Federal Rule of Civil Procedure 12(a)(4) does not provide for a new responsive pleading deadline, given that the Motion to Dismiss was granted. *See* Fed. R. Civ. P. 12(a)(4). Nor do the Federal Rules of Civil Procedure specify whether Plaintiff is required to re-serve the Amended Complaint after the Northern District of Georgia granted the Motion to Dismiss. However, the Charter Defendants file the instant Motion out of an abundance of caution in advance of November 27, 2017, which is twenty-one days after the instant action was docketed in this Court, and thus arguably when the Charter Defendants would be required to file a responsive pleading, absent an extension from the Court. (ECF 52.)

6. The Charter Defendants request the Court set the time by which the Charter Defendants are required to answer, move, or otherwise respond to Plaintiff's Amended Complaint for December 8, 2017. This will allow time for the Parties' attorneys to apply for *pro hac vice* admission to this Court. This will also provide certainty and guidance to the Parties in the absence

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of a rule, statute, or other order regarding the Charter Defendants' deadline to answer, move, or otherwise respond to Plaintiff's Amended Complaint.

7. The Charter Defendants' counsel contacted Plaintiff's counsel regarding the relief sought herein, and Plaintiff's counsel indicated they consent to this relief.

Dated: November 16, 2017

Respectfully submitted,

KABAT CHAPMAN & OZMER LLP

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Telephone: (470) 447-0600  
Facsimile: (470) 447-0615

*Counsel for Defendants Time Warner Cable LLC, Time  
Warner Cable Media LLC, Charter Communications, Inc.,  
Charter Communications Operating, LLC*

So ordered. Defendant's  
deadline to respond is set  
for December 8, 2017.

11/17/2017

